

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5191 OF 2005

Baburao Dinkar Sanas ...Applicant
VS.
The State of Maharashtra ...Respondent
Mr.P.M.Chakurkar for the Applicant
Mr.A.S.Gadkari,A.P.P. for State

CORAM: A.S.OKA, J.
DATE : AUGUST 29,2005

P.C.:

1. Heard the learned Advocate for the Applicant and the learned A.P.P. for State. The learned Advocate for the Applicant submitted that the investigation is completed. He stated that the Applicant has four minor children and till conclusion of the trial the Applicant is prepared to stay at Mahad, District Raigad.

2. The learned A.P.P. submitted that considering the past conduct of the Applicant as reflected from the F.I.R., he is not entitled to be enlarged on bail. He submitted that victim is the relative of the Applicant and injury is to the vital part of the body.

3. I have considered the submissions. It is not in dispute that the Applicant has minor children. The Applicant is in custody from 22nd February 2005. The offence alleged against the Applicant is under Section 307 of the Indian Penal Code.

Investigation is completed and the charge sheet has been filed long back. There are no criminal antecedents of the Applicant. Moreover, the Advocate for the Applicant stated that if the Applicant is enlarged on bail, he will confine himself to Mahad, District Raigad. Considering the facts and circumstances of the case, the Applicant deserves to be enlarged on bail.

4. Hence I pass the following order :

i) The Applicant shall be enlarged on bail in connection with C.R.No. 15/2005 registered at Kopari Police Station, Thane subject to furnishing a personal bond of Rs.15,000/- (Rupees fifteen thousand only) with one or two local sureties in the like amount.

ii) Bail is granted subject to the condition that after the Applicant is enlarged on bail, he will reside at Mahad, District Raigad till the conclusion of trial and will be entitled to leave the city of Mahad only for the purposes of attending the dates which are fixed in the case.

iii) The order granting bail will be given effect only if the Applicant furnishes to the Investigating Officer his detailed address of place of residence where he proposes to stay after he is enlarged on bail.

iv) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

v) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) The parties to act upon an authenticated copy of this order.

JUDGE